

Appln No. 10/816,650
Amdt date May 5, 2005
Reply to Office action of March 21, 2005

REMARKS/ARGUMENTS

Claims 1-20 are pending in the above-referenced application.

Claims 1, 3, and 8 have been amended and claims 14-20 added to further define Applicants' invention.

This is a Response to the Office Action dated March 21, 2005 wherein the Examiner rejected claims 3 and 4 under §112, 2nd paragraph, for indefiniteness; rejected claims 1-5, 8-10, 12, and 13 under §102(b) for being anticipated by US2003/0217700 (Northrop et al.); and rejected claims 6, 7, and 11 under §103(a) by Northrop et al. in view of US 4,858,561 (Springer).

Interview Summary Pursuant to MPEP §709.03

A telephone interview was conducted between Applicants, their undersigned attorney, and Examiner Nguyen on Wednesday, May 4, 2005 regarding the March 21, 2005 Office Action. The Northrop et al. reference, Applicants' claimed invention and particularly independent claims 1, 8, and 14, and certain changes to the claims were discussed. As to the Northrop et al. reference, the parties agreed that it discloses a cat litter box when fully assembled in a normal configuration (FIG. 1), the tray or pan 24 cannot slide relative to the chassis or base 22 (FIG. 2b). Among other things, the pan 24 incorporates channels or slots for receiving projections on the base 22. When the projections and the slots engage, the pan 24 cannot slide relative to the base 22.

As to the claims, the parties agreed that they recite an assembly in which a litter tray slides relative to a chassis, unlike the Northrop et al. reference. However, the Examiner insists that the current language recited in the original claims (i.e., claims 1 and 8) were too broad although does recite the limitation: "slidably coupled". The Examiner agreed that the proposed amendments, which now appear in amended independent claims 1 and 8, do more precisely recite the sliding motion of the tray relative to the chassis by reciting more structure that performs the slidably coupled function.

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§112, 2nd Paragraph, Rejection of Claims 3 and 4

The Examiner contends that claims 3 and 4 are indefinite as the term "a hook portion of a scoop" is "confusing and unclear". In response thereto, Applicants have amended claim 3, and claim 4 due to its dependency on claim 3, as indicated above. As amended, Applicants submit that claims 3 and 4 meet the requirements of §112, 2nd paragraph.

§102(b) Rejection of Claims 1-5, 8-10, 12, and 13 by Northrop et al.

In rejecting claims 1-5, 8-10, 12, and 13, the Examiner contends that, as to independent claim 1, the Northrop et al. reference discloses a litter box comprising: a chassis (26); a removable litter tray (Figure 3) slidably coupled to the chassis; a manual rake (30) located within the removable litter tray; and an enclosure (28) mounted to the chassis enclosing the removable litter tray and rake.

As to independent claim 8, the Examiner contends that the Northrop et al. reference discloses an enclosed litter box, comprising: a chassis means (26) for supporting the enclosed litter box; a slidably removable litter tray means (Figure 3) within the chassis means for holding litter; a manual rake means (30) located within the removable litter tray means for separating animal waste from the litter; and an enclosure means (28) coupled to the chassis means for enclosing the removable litter tray means and the rake means.

In view of the amendments as indicated above and the remarks that follow, reconsideration and a notice of allowance are respectfully requested.

Preliminarily, for a reference to anticipate the claimed invention under §102(b), it must disclose each and every element of the claimed invention. As further discussed below, Applicants submit that Northrop et al. failed to disclose each and every element of the rejected claims.

Independent claim 1 recites an enclosed litter box, comprising: a chassis comprising an end opening comprising an end edge; a removable litter tray comprising a first end and a second end slidably coupled to the chassis such that the first end moves away from the end edge while the second end moves closer to the end edge when the litter tray is moved relative to the end

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opening; a manual rake located within the removable litter tray; and an enclosure mounted to the chassis enclosing the removable litter tray and rake.

Applicants submit that the Northrop et al. reference does not disclose each and every element of claim 1 as required under §102(b). With reference to FIGs. 1 and 2b of the Northrop et al. reference, the disclosed litter box comprises a base 22 (i.e., chassis), a tray or litter pan 24 mounted over the base 22, and optional liners 94, 120 that sit within the pan 24. An upper hood 28 (FIGs. 1 and 2) is mounted over the waste box 36 to form a self-cleaning litter box 20. The self-cleaning is provided by a motor 166 (FIG. 7), a rake 30, and sensors 206, 208 (FIG. 3) that senses when a cat enters and then leaves the litter box, which then triggers the rake to move across the pan 24 by a motor to sweep out the cat litter. Of particular interest is the fact that the pan 24 is secured to the base 22 and cannot slide relative to the base. The pan 24 can only be lifted from the base due to a plurality of projections on the base 22 engaging with a corresponding plurality of channels or notches on the pan 24.

Thus, Northrop does not teach or suggest an enclosed litter box in which a tray is slidably coupled to a chassis. However, to further define Applicants' invention, claim 1 has been amended to more clearly recite how the pan moves relative to the chassis. The amendment further distinguishes claim 1 from Northrop et al. Reconsideration and a notice of allowance are respectfully requested.

Because claims 2-5 depend, either directly or indirectly, from claim 1, they too are allowable over Northrop et al. for the same reasons as claim 1.

Regarding amended independent claim 8, it recites an enclosed litter box, comprising: a chassis means for supporting the enclosed litter box; a slidably removable litter tray means within the chassis means for holding litter; said slidably removable litter tray means slidably movable relative to the chassis means while maintaining physical contact, either directly or indirectly, to the chassis means during at least a portion of the movement; a manual rake means located within the removable litter tray means for separating animal waste from the litter; and an enclosure means coupled to the chassis means for enclosing the removable litter tray means and the rake means.

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As recited, claim 8 is similar in scope as claim 1. In particular, claim 8 recites an enclosed litter box in which a slidably removable litter tray means is positioned within the chassis means for holding litter; said slidably removable litter tray means slidably movable relative to the chassis means while maintaining physical contact, either directly or indirectly, to the chassis means during at least a portion of the movement. Applicants submit that the tray disclosed by the Northrop et al. reference does not have a tray or pan capable of sliding relative to the chassis as recited in claim 8. Reconsideration and a notice of allowance are respectfully requested.

Because claims 9, 10, 12, and 13 depend, either directly or indirectly, from claim 8, they too are allowable over Northrop et al. for the same reasons as claim 8.

§103(a) Rejection of Claims 6, 7, and 11 by Northrop et al. in view of Springer

In rejecting claims 6, 7, and 11, the Examiner contends that Northrop et al. reference "discloses most of the claimed invention except for indicating an adhesive label having decorative motif on an outer surface of the enclosure." To make up for these shortcomings, the Examiner relied on Springer and contends that Springer "teaches a similar enclosed litter box as that of US'700 in which Springer's box having an outer cover (12) covering the outer side of the box wherein the cover is attractive in appearance (equivalent to a decorative motif as claimed)." The Examiner then concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the box of US'700 so as to include an outer cover. . ."

As discussed above for the allowance of independent claims 1 and 8 and claims that depend therefrom, the Northrop et al. reference does not teach or suggest an enclosed litter box in which a tray is capable of sliding relative to the chassis. As Springer is relied on to disclose a decorative motif and not for the shortcomings previously discussed, the combination of Northrop et al. in view of Springer is still defective. Accordingly, because claims 6, 7, and 11 depend from either independent claim 1 or independent claim 8, they too are allowable over the Northrop et al./Springer combination.

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New Claims 14-20

Applicants submit that new independent claim 14 is similar in scope as independent claims 1 and 8. As such, claim 14 is allowable over the art of record for the same reasons as claims 1 and 8.

Because claims 15-20 depend, either directly or indirectly, from claim 14, they too are allowable.

In view of the amendments and remarks as indicated above, it is thought that the application is in condition for allowance and early notice thereof is respectfully solicited.

Should the Examiner find it necessary to speak with Applicants' attorney, she is invited to speak with the undersigned at the telephone indicated below.

Respectfully submitted,
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